उपयोगी कदम उठाये जा सकें जिससे कि यह संकट न आये और हड़ताल पर काबू पाया जा सके।

ANNOUNCEMENT Re. GOVERNMENT BUSINESS FOR THE WEEK COMMENCING 16TH DECEMBER, 1985

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI SITARAM KESRI): Mr. Chairman, Sir, with your permission, I rise to announce that Government Business in this House during the week Commencing 16th December, 1985, will consist of:

(1) Consideration and Passing 'return of the following Bills as passed by Lok Sabha.

(a) The Futwah Islampur Light Railway Line (Nationalisation) Bill, 1985.

(b) The Appropriation (Railways) No. 5 Bill, 1985.

(c) The Central Excise Tariff Bill, 1985.

(d) The Additional Duties of Excise (Textiles and Textile Articles) Amendment Bill, 1985.

(e) The Additional Duties of Excise Goods of Special Importance) Amendment Bill, 1985.

(f) The Sick Industrial Companies Special Provisions) Bill, 1985.

(g) The Supreme Court (Number of Judges) Amendment Bill, 1985.

(2) Discussion on the 7th Five Year Plan on Tuesday, the 17th December, 1985.

(3) Discussion on the status Paper entitled 'Challenge of Education—policy perspective" on Thursday, the 19th December, 1985.

THE VICE CHAIRMAN (SHRIMATI KANAK MUKHERJEE) in the Chair]

THE AIRCRAFT (AMENDMENT) BILL, 1985

SHRI K. MOHANAN (Kerala): Madam Vice-Chairman, in the Objects and Reasons of this Bil it has been stated—

"Section 14 of the Aircraft Act, 1934, as originally enacted provided that the power to make rules conferred by the Act' is subject to the condition of the rules being made after previous publication for a period of not less than three months."

Now the Government wants to amend this Section, that is to change the provision for previous publication for a period of not less than three months. The excuse for the amendment is the background of the Kanishka tragedy. I would like to point out that Rule 75 of the Aircraft Rules of 1937 says—

"...hold a formal investigation..., shall hold it in open court"...

Now the Government wants to hold the proceedings *in carmera*. The issue is that in this particular case of Kanishka tragedy investigation the Government considers that open court proceedings will be harmful to public interest and, therefore, it considers *in camera* proceeding necessary. In this context I would point out that Justice Kirpal Commission, appointed to investigate the Kanishka tragedy, has not yet completed even the preliminary investigation and only after it completes the preliminary investigation that formal court preceedings will start. This Ordinance was promulgated on 16th October, 1985. From the facts it was clear that there was no urgency for the amendment through an ordinance. As stipulated in the original Act itself, the three months' time was very much there. My point is the formal court proceedings will start only after the Kirpal Commission completes the preliminary investigation and the preliminary investigation has not yet been completed. Even if the Government considered that there was a need for *in camera* proceedings in public interest, there was enough time to issue or publish the amendment to these Rules. There was enough time for this and there was no urgency or necessity to promulgate an Ordinance in this regard. This is another deliberate attempt—this is an example of the deliberate attempt on the part of the Government— to bypass Parliament. This is my allegation and this is my complaint. Even though there was enough

[Shri K. Mohanan]

time—three months' time was there—on the 16th October you promulgated this Ordinance. But, by that time, you could have issued the amended rules with regard to this particular section. Therefore, my point is that through this amendment the Central Government has become all-in-all in regard to making rules without the prior consent of Parliament. I cannot agree with this approach of the Government. to meet the immediate need of *in camera* proceedings in regard to the Even if this amendment was intended Kanishka tragedy, section 6 of the original Act itself empowers the Government to make orders in emergencies. This is there in the principal Act itself. Section 6 empowers the Government to issue emergency orders and there was no need for an amendment through an Ordinance. Section 5(2)(9) of the original Act has given all the powers to the Central Government to do anything and everything arbitrarily. Parliament has nothing to do with these provisions, that is, the provisions under section 5(2)(9). The only other controlling provision, second provision, in this Act is under section 14. It empowers the Government to make rules. The only condition for such rules being made is that a previous notice of three months is required which means that Parliament would get an opportunity to discuss it. In other cases, in all the other cases, the Government can issue orders without the consent of Parliament. But, under section 14, there is a controlling provision. Through this amendment, the Government would be able to do anything and everything without consulting Parliament.

Madam, the Government cannot escape or give excuses with regard to the Kanishka tragedy and the prevailing situation in this regard. As I have mentioned earlier, in an emergency, the Government can issue orders under section 6 of the principal Act itself. I am not going into the details of the Kanishka incident because the whole issue is under investigation by a judicial Commission. So, I am not going into that. There are so many reports, contradictory reports also, appearing everday in the Press and I do not think it is fair to go into those details now on the floor of the House because we have entrusted the job of investigation to a judicial Commission to go into the whole matter. So, I am not going into that now. But I would like to know one thing from the Government and the honourable Minister with regard to the compensation to be paid to the victims of the Kanishka tragedy. If I am correct, the process of giving compensation is creating some problems. So, I would urge upon the Central Government to set up a special cell to expedite the process of releasing compensation to the victims of the Kanishka tragedy.

Madam, in this connection, I would like to say something about the security arangements that are there in our airports. You know, there are many kinds of security checks in our airports, for example, the metal detector, frisking identification of baggage etc. All these things are there. But what is going on even now in our airports, especially in the international airports? I am sorry to say that even after this tragedy and the lesson from this incident the security checking and the arrangements at the airports are not up to the mark. If you permit me, I would like to narrate an example in this regard. (*Time bell rings*):

About three months back I was on my way to Trivandrum from Delhi *via* Bombay. The Bombay-Trivandrum flight was ready. The ladders were detached. Doors were closed. The usual ritual 'Welcome to passengers...Indian Airlines IC 186... we apologise for the delay and inconvenience' was over. This is a regular thing—apology about delay and inconvenience. Then, immediately a passenger stood up and cried: No, no,

I want to go to Hyderabad. The flight was for Trivandrum. I do not know what happened. He was holding a ticket for Hyderabad flight. I do not know how this passenger entered that flight to Trivandrum from Bombay. There is another incident. The identifying of baggage is a measure of security at the airports. But in Bombay, on another occasion, after identifying the baggage a passenger suddenly disappeared. How? I do not know. For another 90 minutes that flight had been delayed at the Bombay airport. Another incident was reported in most of the newspapers of this country: A passenger from Calcutta was going to Bombay on an international flight bound for Dubai When the flight landed at Bombay, the passenger did not alight there, not because of his fault—his inner blanket was so thick; he was under the influence of alcohol; nobody cared about him. After re-fuelling and receiving new passengers the flight took off for Dubai. When the flight landed at Dubai, this man cried: I want to go to Bombay. So, without a passport, and without a ticket, this gentleman, this lucky man, was taken to visit a foreign country. (*Interruptions*) These are the things going on now. (*Time Bell rings*) Even MPs and even Ministers are subjected to checking by pressing. We are not objecting to that. I am always for that. I never objected to that. But this type of callousness, this type of carelessness, is going on, which is prevailing at all parts.

So, Madam, I request through you that when the passengers are ready to go through any kind of security check, security checks at all airports may be tightened.

With these words, I conclude, Madam.

SHRI VISHVAJIT PRITHVIJIT SINGH (Maharashtra): Madam Vice-Chairman, I rise to support the Bill. The fact is that whenever any enquiry is conducted, specially in sensitive matters where espionage of some kind or a criminal element is involved, or even negligence, criminal negligence, one finds that evidence is not forthcoming unless it is given, it is taken, in camera. That is the reason why I fully agree with the hon. Minister for having brought forward this Bill. I feel that it is very very important that we must amend the Act to create these special provisions. Most of our Acts have become outdated. They were formulated 40 or 50 years ago. Some of them have been there even in the last century. This process of trying to amend these Acts makes them more in consonance with the time and with the situation as it prevails today. It is a continuous process. We should not be too much excited about it. We should not become too critical of the Government. Shri K. Mohanan has just now said that the Government is trying to bypass the legislature. Nobody is trying to bypass the legislature. The basic fact is that the Commission of Inquiry had conducted its investigations earlier and they wanted immediately to go in for 'in camera' proceedings. Therefore, it was important for them to have this amendment immediately. I feel that this is a good thing which has happened. We must get all our Acts amended as soon possible in consonance with our needs. Not just the Aircraft Act, there are many other Acts which need amendment. I would like to point out to the hon. Minister that if he wants the airports to function properly, there is need to amend various other Acts and these Acts must be amended.

While speaking about Acts, I would like to mention that our airports are suffering from the problem of bird hits. It is mainly because of lack of monitoring by the Government on the refuse in the area. There are various international provisions which have been accepted by the countries to have a *cordon sanitaire* around the airports to see that no garbage, and no refuse is thrown around the airport periphery so that no birds may come. We

[Shri Vishvajit Prithvijit Singh]

find that the number of bird hits in our airports is going higher and higher. It is a matter of luck that we have not had any serious accident. When you pick up the paper, you find that there have been bird hits which are increasing every day. I would like to urge upon the hon. Minister that he must take cognizance of this. If any Acts need amendment, he must ask the Government to amend the Act and see to it that this is done. If he requires special powers, he must take them. It is about time that our airports are cleaned up. It is about time that we had this basic air safety in our country.

Another point I would like to make is about utilisation of aircraft. The aircraft of Air India are over utilised. We have a small fleet. We have a large number of routes. Our aircraft are flying all over the world. They go to the eastern side, then come to India, land at home and fly again to the western sector. There is hardly any time left for maintenance. The utilisation of aircraft by Air India is probably one of the highest in the would amongst all the airlines. We do make a profit. After all, Air India is a commercial venture. I can understand that. But at no cost the safety of passengers should be compromised. Our utilisation of aircraft must be made more rational. We must see to it that our aircraft are properly maintained. We often see that the technical staff is on strike. I would like to know from the hon. Minister what arrangements are made for the maintenance of aircraft when the technical staff is on strike because it is the technical staff which has to maintain the aircraft. This assumes special importance—maintenance of aircraft and over utilisation—in view of the recent Japan Airlines crash. The recent Japan Airlines crash has shown that it was basically because of fault in the aircraft. It had already suffered an accident earlier when the crash took place. The airlines all over the world, including Air-India, have tried to see that their Boeings are checked up, that they do not have that particular fault. I would like to know from the hon. Minister whether all our Boeings have been checked and what has been the result. Have you made the specific modifications as required and are our planes now totally safe?

As regards the behaviour of the staff of Air-India I would like to make a mention. Every airline in the would, when if flies on a particular route, tries to see that its staff is familiar with the language and the customs of the people belonging to that route. For example, the British Airways hires the Indian staff, the Indian cabin crew to try to keep the Indian passengers comfortable and happy while they are flying from Delhi to London and London to Delhi or Bombay. And what do we find on our Air-India? The Air-India staff, the cabin crew which goes abroad looks down upon our passengers, our fellow countrymen who are not capable of speaking English, who are Hindi-speaking, who do not dress as well as they do, and who are going as labourers. And those who are going as labourers are earning valuable foreign exchange for the country. When they are going abroad or they are coming back, they are mistreated. they travel on the national airlines because they feel a certain sense of pride, and they are mistreated by the cabin staff. They are not attended to properly. There is a lot of rudeness involved. All our services, especially in New York, London, Paris, Frankfurt and Baharain are bad. Our ground staff is rude to the people. Our cabin staff is rude to the people. I would urge upon the hon. Minister to kindly do something about this.

Madam, the Prime Minister had issued a directive that nobody is to stay in a particular station for more than four years. And this directive is flouted all the time. The idea is that

the staff must come back to India. But what happens? People are there for 8 or 10 years. They have stayed abroad for 8 or 10 years. How do they manage it? They get transfers from New York to London, from London back to New York, from New York to Hong Kong and from Hong Kong to Tokyo. And they just keep on going like that and nobody comes back to India. They have all made it into a personal clique. I would like to urge upon the hon. Minister to break this clique and get these people back to India. Please honour the Prime Minister's directive. Do not allow any official to remain abroad for more than four years no matter where he is. The promotion policy is another point which I want to mention. There is no set promotion policy. Promotion are totally haphazard, at the whims and fancies of the promoting authority. There is no set policy I would urge upon the hon. Minister to kindly have a set policy. This is another reason for the demoralisation of the staff. There is no set promotional policy.

With these words, Madam Vice-Chairman, since I can see that you are getting impatient, I conclude and I support the Bill. Thank you.

DR. SHANTI G. PATEL (Maharashtra): Madam Vice-Chairman, on the face of it, this Bill looks routine, simple, innocuous and broadly helpful, but on a deeper fathoming one would find that there is something more than what can meet the eye.

Let us go into this particular Bill. It is brought up because the Commission comprising of Justice Kirpal found it difficult to hold certain proceedings in camera under Rule 75. That is why a recommendation is said to have been made by him. I am saying, Madam, 'said to have been made' because the recommendation has not been circulated nor has it been placed on the Table for perusal of the Members who are going to comment on this particular Bill. So, on the basis of this, a certain Ordinance was issued, and that also after a long time. The accident took place on the 23rd June. Soon thereafter the Commission was appointed. I am sure the Commission must have made the recommendation well in time. But this was probably lying as usual in the files of the Government Department. Ultimately this particular Ordinance was issued. That Ordinance also issued on the 16th October, 1985, the day on which the Rajya Sabha was summoned. This raises a very fundamental issue as to why was this hurry; if they could have waited from June to October, why was this hurry and could they not wait till the Parliament met and passed this Bill as a priority on the first day? I do not want to make much out of this particular point but I would certainly like to submit that this is something very important that "the Legislature has to be respected" an Ordinance on a day on which the House is being summoned is something which should not be done very lightly.

In this particular case, I am at a loss to understand as to why this whole clause is sought to be changed and mutilated. What is sought to be done is that in the original clause and I quote: "Any power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication for a period of not less than three months", the words "for a period of not less than three months" are sought to be omitted and what is sought to be put there instead—added is "Provided that the Central Government may, in the public interest, by order in writing, dispense with the condition of previous publication in any case".

If the issue was limited only to the holding of the proceedings in camera, the right approach should have been just to amend to that extent and not to the fullest extent. Here the whole clause is sought to be changed. An important principle is sought to be completely eroded. What was this

[Dr. Shanti G. Patel]

principle? There are certain laws, certain enactments, under which the previous publication is made a necessity. What is the purpose, Madam, behind it? The purpose is that wherever there is democratic working, where there is democratic functioning, it is very necessary that the people, particularly those who are intimately concerned, are taken into confidence and they are informed about the rules which are sought to be made. If they have any objections or comments to make, they are welcome to make them either directly or they can come to the Committee on Subordinate Legislation or any Member of either House. Now, this is a very important principle which was envisaged not now, 51 years back. In 1934 this particular contingency was thought of. This shows the British sense of justice and fairplay. But here we find the decayed Indian sense where the previous publication is sought to be completely blotted out. If they would have retained this particular phrase for a period of not less than three months, and then provided a proviso, namely, provided in certain exceptional circumstances, I could have understood; not that I agree with it, but I could have understood that, how the whole purpose is being marred by bringing in this particular amendment. This is something which in my opinion is uncalled for, unnecessary and should not have been resorted to.

This is a right which has also been supported by the Committee on Subordinate Legislation. In a number of their Reports they have said that at least 30 days period should be given to the public to make observations, to comment upon what appears in the form of rules in any Gazette. Now this particular principle, particular right of the people is being taken away through this particular amendment. As I said earlier, Madam, it should have sufficed just to amend to the extent it is necessary to have the proceedings in camera, but this is not done. The whole thing is sought to be completely changed. Now there are other enactments of this type. There is no provision in, for example, what is called the Dock Workers (Regulation of Employment) Act. There are a number of legislations where previous publication is made a necessity, and, there no provision of this type is made. Here it is said, we are doing this on the basis of other legislations. But there no omnibus right like this is given to the Government, where no period is necessary whatsoever and they may even not publish under this in the name of the public interest, which God only knows what it means. What the definition is, one can never find what it means and what it stands for. But they can certainly say that we are not going to publish it. Again, what they are required to do is to just make a noting, put it "in writing" that it is required not to be published in "public interest." That is something which is very unfair, unjust and is also anti-democratic.

I would also refer to some of the difficulties which those who are travelling, have been experiencing.

I am sure before he became the Minister, he must have experienced that when you go to an airport for arrival or departure, you try to find out a trolley. It is very difficult to get a trolley and if one gets it, it has three wheels moving in three different directions. You are never able to negotiate the direction. This is a small thing. But when you go to an international airport where I have gone quite frequently, I am referring to Bombay in particular, and when you land after travelling for 18 hours or 24 hours, you do not find a trolley at the place where the baggage is being brought and one has to run from place to place to locate a trolley. One has even to go outside the customs barrier to bring a trolley. Is this the way we are going to treat the passengers who have paid such a heavy fare for this particular facility? Let at least trolleys be provided and if charges are to be rais-

ed, let these be raised but let there be trolleys. Like the Government which can work, provide trolleys which can work so that we can make use of them. If the Government does not work, it is alright; but let the trolley work because passengers are paying money directly and heavily.

I would then refer to claims of the passengers and crew members who become unfortunate victims of the accident. One is very sorry to hear; one shudders to see that passengers, persons who are the dependents, are not being paid the claim money. I do not know what is holding it up. Surely they could settle claims. As an energetic and young Minister at the helm of affairs, I am sure he would give priority and tell us before the session ends that all claims have been settled. Let him have a procedure through which these claims could be settled.

I would then refer to another aspect of the matter. There are a number of pilots, what is called commercial pilots and they are not being given any employment or very little employment as far as the airlines are concerned. The whole recruitment is done from Air Force. I am not against it but surely these persons who are qualified, who are coming from the civil side, should also have a place as far as our airlines are concerned. Otherwise, we will not find people going in for this particular profession. It is necessary that at least certain percentage of these people is absorbed in the vacancies that occur.

Again referring to Bombay Airport, I am sure the hon. Minister must have visited it. If he gets a ticket, he cannot make out as to which departure lounge he is required to go, whether Departure 1 or Departure 2. Even if he goes to receive somebody, he does not know. There is no indication on the ticket as to which place he has to go. There are two lounges and one does not know where one should go, unless one is very familiar with travel. It is necessary that on the ticket itself, some indication is given as to which lounge one is required to go for departure or arrival.

Talking about security, my friend Mr. Mohanan has referred to it. It has been made clear in the House that Cabinet Ministers, Chief Ministers and certain foreign dignitaries are not required to go through security check. But I find a number of persons who just adorn some uniform are allowed to go. Sometimes even somebody accompanying a person adorning some uniform can pass through security. I am not saying that there should be no security for M.Ps; they should also be subject to this check. It is necessary that all persons even in uniform should pass through security. These security steps are necessary to be applied uniformly and without discrimination to all people, at least for the sake of security. That is very necessary.

I would, therefore, request the Minister to look into these aspects of the problem. He should even now amend the original Act and not insist on the omission of the phrase which, I believe, is very relevant and important.

उपसभाध्यक्ष (श्रीमती कनक मुखर्जी) : कल्प नाथ राय जी आप जरा संक्षेप में बोलिये क्योंकि हम लोग इस बिल को लंच से पहले खत्म करना चाहते हैं।

श्री कल्प नाथ राय (उत्तर प्रदेश) : आदरणीय उपसभाध्यक्ष महोदया, मैं सरकार द्वारा प्रस्तुत वायुयान अधिनियम का समर्थन करने के लिए खड़ा हुआ हूं। मुझे मंत्री जी का ध्यान इस तरफ दिलाना है कि आज वायुयान हमारे संचार का सबसे बड़ा साधन है और हिन्दुस्तान के लाखों लोग इसका इस्तेमाल कर रहे हैं। आज आपके वायुयान के माध्यम से तस्कर और तस्करी करने वालों का जो गिरोह है वह एयर इण्डिया के माध्यम से एक देश से दूसरे देश जा रहा है। यह बहुत व्यापक पैमाने पर चल रहा है। इसमें एअर इण्डिया के अधिकारी भी शामिल हैं और सोने

[श्री कल्प नाथ राय]

की तस्करी से लेकर सभी चीजों की जिनकी तस्करी होती है वह वायुयान के माध्यम से हो रही है । यदि आप इसकी ठोस और वैज्ञानिक तरीके से रोकने का प्रयास नहीं करेंगे तो हमारे वित्त मंत्री जी हमारे आर्थिक जीवन को साफ सुथरा बनाने का जो प्रयास कर रहे हैं उनके मंसूबे कामयाब नहीं होंगे। हमारे देश के लाखों मजदूर जो विदेशों में काम कर रहे हैं वे देश को फोरन एक्सचेंज देते है । वे ज्यादातर अपने देश की बोली बोलते हैं । जब ये विदेशों में जाते है तो हमारे एअर इण्डिया के जो लोग है उनके साथ अच्छा व्यवहार नहीं करते है । उनके साथ अपमानजनक ढंग से व्यवहार करते हैं । इन चीजों के ऊपर भी आप अपने विशेष लोगों को भेज कर इस तरह के लोगों पर थोड़ी कड़ाई करें। उनसे कहें कि हर हिन्दुस्तानी जो अपनी भाषा मे बोले उसके साथ कर्टसी से आदरपूर्वक सम्मानपूर्वक व्यवहार करने की आदत डालें । ऐसा उनको करना चाहिए । तीसरी चीज जो हमारे देश के अधिकारी लोग एअर इण्डिया के हैं तथा न्यूयार्क, लंदन या पैरिस या कहीं पर भी नियुक्त हैं इनको फारेन एक्सचेंज में तनख्वाह मिलती है । यह फारेन एक्सचेंज का कितना रुपया जमा करते है, कितना रुपया देश में भेजते है। इनके फारेन एक्सचेंज मनी का क्या हिसाब है ? एक अधिकारी एक जगह पर चार साल से ज्यादा समय तक नहीं रह सकता है कई अधिकारी ऐसे हैं जिनको 10–10, 12–12 साल हो गये हैं वहां पर नियुक्त है वे हिन्दुस्तान को अपना देश नहीं समझते सारी जिन्दगी विदेश में लंदन और न्यूयार्क में बिता देते है उनको अपने मुल्क से कोई मुहब्बत नहीं है वे यहां वापिस आना नहीं चाहते हैं नौकरी करने के लिए। मेरा कहना यह है कि आप बिल्कुल सख्ती के साथ यह नियम बनाइये कि चार वर्ष से ऊपर जितने लोग एक जगह पर रह चुके हैं अनिवार्य रूप से उनको अपने देश में वापिस आना होगा । इस नियम पर चाहे कोई भी हो चाहे आपका रिश्तेदार क्यों न हो इसमें आता हो जब तक आप सख्ती से कदम नहीं उठायेंगे (व्यवधान) मैं आपको बताता हूं। मेरे पास बहुत से लोग आते है कहते है कि विश्वनाथ प्रताप सिंह जी से यह बात कह दीजिए । मैंने कहा कि देखिये मैं उनको नहीं कह सकता वे नियम और सिद्धांत के अनुसार अपना काम करते है । मैं उनको कहने वाला नहीं हूं । जब एक आदमी नियम से सिद्धात से काम करेगा तो सिफारिश करने वाले बहुत कम जाते हैं । इसीलिए कुछ नियम सिद्धांत को अपने डिपार्टमेंट के अन्दर लागू कीजिए। कोई कभी रिश्तेदार बनकर नातेदार बन कर, कभी निर्वाचन क्षेत्र के बड़े भारी वोट दिलाने वाले दबाव डालेंगे । आप राजपालन कीजिए या इन लोगों का सिफारिश पालन कीजिए, दोनों में से एक को करना होगा ईमानदारी के साथ यह हकीकत है जो मैं आपके सामने पेश करना चाहता हू । तीसरी बात, सिक्योरिटी अरेंजमेंट की है। कनिष्का की जो दुर्भाग्यपूर्ण घटना घटी वह सिक्योरिटी अरेंजमेंट का न होना ही हैं । यह इस बात का संकेत है कि भविष्य में ऐसी घटनाओं की पुनरावृत्ति न हो । इसलिए सरकार जो जांच चल रही है उसके जो निष्कर्ष निकलेंगे, सिफारिशें निकलेंगी उसको तो मद्देनजर रखें ही लेकिन आप खुद सिक्योरिटी अरेंजमेंट का इंतजाम इतना बढ़िया करें कि भविष्य में इस तरह की घटनाओं की पुनरावृत्ति न हो ।

चौथी बात मैं आपसे यह निवेदन करूंगा कि हमारे देश के अन्दर वायु सेवा पूरे राष्ट्रीय जीवन की लाइफ लाइन बन जाये, चाहे इंडियन एयरलाइन्स हो या एयर इंडिया , ये देश की लाइफ लाइन के रूप में काम करें, देश की अर्थव्यवस्था को गतिशील बनायें । आज के युग में जब दुनिया टेक्नालाजी और साइंस के माध्यम से लगातार विकास कर रही है, इन्सान चांद और सितारों से बात करने लगा है तो ऐसे दौर में वायुयान की सेवा चाहे वह कारगो सेवा हो, इसका महत्व आर्थिक जीवन को,

सामाजिक जीवन को, राजनैतिक जीवन को गतिशीलता प्रदान करने में बहुत ज्यादा हो जाता है । आदरणीय उपसभाध्यक्ष महोदया, मैं आपके माध्यम से निवेदन करना चाहता हूं मंत्री महोदय से जो एक कुशल और ईमानदार मंत्री हैं जिनमें काम करने की लगन है कि जब तक आप इस श्राद्ध को खत्म करने की कोशिश नहीं करेंगे, यह काम नहीं होगा । फिर एयर इंडिया में काम करने वाले लोगों का प्रोमोशन का एक सिद्धांत होना चाहिए, किसी प्रिंसीपुल के अंतर्गत प्रोमोशन होना चाहिए, किसी आदमी का ऐसे ही प्रोमोशन हो गया और अच्छे से अच्छे लोगों का प्रोमोशन न किया जाये, बिल्कुल धांधलेबाजी हो तो यह नीति नहीं होनी चाहिए । कोई भी बात जब सिद्धांत से चलेगी तो कर्मचारी भी काम करने में दिलचस्पी लेंगे, कर्मचारी भी फील करेंगे कि सिद्धांत के अनुकूल हमारी पदोन्नति हो रही है, हमारा प्रोमोशन हो रहा है तो उनमें इन्करेजमेंट होगा, इंसेंटिव होगा काम करने का और उपसभाध्यक्ष महोदया, इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूं ।

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): Mr. Jaswant Singh, Time allotted for you is four minutes only.

SHRI JASWANT SINGH (Rajasthan): I will take four minutes only and I will show you that I finish before four minutes.

Madam Vice-Chairman, the reasons why this amendment to Act has been brought about have been explained by various speakers. If I object to this measure, it is on account of two principal reasons and I will briefly voice them.

My first objection is to bringing about the measure which is admittedly on account of recommendations of the Kanishka court of inquiry and something which the Government was obliged to do, but to bring about that measure as an Ordinance on the day the Parliament is to meet, does not reflect either of efficiency or of respect for the Parliament or of conducting the business of this enquiry in a purposeful way. My second objection relates to Parliament's right of scrutiny. As is well known, the Bills following upon an enactment or rules following upon an enactment of the Parliament are subject to the scrutiny of the Parliament. If, therefore, by this provision, because of the Kanishka enquiry requirement and because the court has asked us to do so, we make a provision whereby the rules which will govern the enquiry are to be placed out side the scrutiny of the Parliament, we are yet again encroaching on the right of the Parliament. We are giving, as a consequence, a licence to the executive and I strongly object to these two aspects which are the most objectionable aspects. I would therefore, suggest to the Government that in accordance with what the court of inquiry has asked to be done. let the enabling provision be limited only to the enquiry of Kanishka. That will meet the requirements of the court; that will also meet the requirements of the objection that I have raised.

As you have limited me to four minutes. Madam, I will ask two or three questions relating to the Kanishka accident. Firstly, I am given to understand that the blast that took place in Tokyo on the same day—reports are believed to have appeared about this in some newspapers in Canada— was caused by a transistor bomb. Has the Government any information, because soon thereafter there were incidents of transistor bomb blasts in Delhi itself? If the Tokyo blast was on account of transistor bomb and then subsequently Delhi suffered on account of transistor bombs, there could possibly be a nexus between all these three incidents. I would also like the Government to inform us what continuing cooperation it is receiving at the moment in the enqury into Kaniskha tragedy from

[Shri Jaswant Singh]

the Government of Canada and Ireland who are very closely involved in the whole matter.

And, lasty. Madam, before you ring the bell may I request the Government to consider my suggestion that they ought to limit this amendment only to the Kaniskha enquiry. It will fulfil the purpose of conducting this particular enquiry efficiently and meet the objection of erosion of Parliament's right. Both will be met adequately. Thank you.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): Shri Dhuleshwar , Meena. Absent. Shri S. N. Reddy. Absent. Shri S. P. Malaviya. Absent. Shri Matto I am sorry, Mr. Reddy. I will call you afterwards. Yes. Shri Matto, only five minutes.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Madam. I rise to support the Aircraft (Amendment) Bill, 1985. I have only to say that the necessity for this Bill arose out of the Kanishka accident that took place because the rules were to be there for 3 months and an Ordinance had to be promulgated so that this difficultly could be overcome. Now a new section has been introduced under which this limit of 3 months has been done away with. This is all right and I think that so far as amendment of this clause is concerned, there is no objection because it meets the requirements, it meets the situation so long as rules are made. But my objection is only to the proviso in the clause. "Provided that the Central Government may in the public interest border in writing dispense with the conditon of previous publication in any case". This to my mind, should not have been there. I would request the hon. Minister that it will be better if he withdraws this proviso from the Bill.. If this is not possible, he should give us an assurance in this House that this proviso shall not be used except in very exceptional circumstances, which shall be placed before Parliament. If this assurance is given to us, there is no objection. But I would have loved and liked that this proviso should not have been there. But it this proviso has to be kept, I would like an assurance from the hon. Minister that this shall be used with great care because this gives unlimited powers to the Government. In the public interest and by order in writing anything can be done. So I would request him to give this assurance so that on the records of this Parliament we have an assurance from the Minister that this proviso shall not be used except in exceptional circumstances, and even if they use it, it will be immediately placed before Parliament in the next Session. With this, I commend the Bill.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): Mr. Satyanarayan Reddy. Please take only three minutes.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): Madam, the present Bill has been brought to amend the Aircraft Act of 1934. The main reasons are given in the Statement of Objects and Reasons—that the inquiry is going on into the unfortunate Kanishka aircraft incident, the court of inquiry wants to conduct the inquiry in secret to take some evdence and the present Act does not allow the Government to amend the rules which require publication of three months. As a matter of fact, this incident took place long ago. But the Government has not taken any steps in this direction so far. Now the Government wants to rush with this Bill for amending the Act and they want to do away with the three-month main publication period. As a matter of fact, people are entitled to know and Parliament is entitled to know and give its opinion and people are entitled to give their opinion when the rules are framed and changed. To do away with this three months' publication period is most unfair. If they want to overcome the difficulties in the way of the present inquiry, as my honourable friend, Mr.

Jaswant Singh, has suggested, so far as this particular inquiry into the unfortunate Kanishka incident is concerned, to that extent they could have brought some sort of a provsion or legislation. But; to amend the original Act completely is not fair. I want to state that to that extent we have our objections. Parliament must have the right to scrutinize the rules which are to be framed under any Act.

Secondly, why has the Government taken so long a time and why did they not think over this issue when this inquiry was ordered? As a matter of fact, the original Act has given—almost all sections from section 5 to section 9 have given—complete power to the Government and if you want to amend the Act do not take away the right of the Parliament and the people to give their opinion, it is not fair. So, Madam, with these two objections I conclude my speech.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): Thank you. The honourable Minister, please.

SHRI JASWANT SINGH: Be brief.

उपसभाध्यक्ष (श्रीमती कनक मुखर्जी) : ब्रीफ हो बोलेंगे ।

THE MINISTER OF STATE IN THE DEPARTMENT OF CIVIL AVIATION (SHRI JAGDISH TYTLER): Yes, I Will be brief.

Madam Vice-Chairman, I would like to thank the honourable Members for supporting this small Aircraft (Amendment) Bill. Some of the honourable Members asked why it was necessary to bring about this amendment.

Initially we also thought so, but when Justice Kripal Singh's Inquiry was on, certain things were brought to our notice in the last week of August where it become necessary to have this amendment. We also, as you were saying after reading section 6, thought that probably it was not necessary to examine the witnesses and taken their evidence in secret but these witnesses were not prepared to give evidence unless we gave them full security and guarantee that nothing would happen to them—and that is how this was brought about.

Madam, some honourable Members said that there was no need to amend section 14 because section 6 of the Aircraft Act empowers the Central Government to issue directions in an emergency. Section 6 does not empower the Government to suspend the three-month notice provision Rule 75(2) could not have been amended without pre-publishing the rule by three months. Now that the Inquiry is in the final stages, practically it would not have been possible to have it within the time-frame and probably another three or four months would have been wasted and a lot of money and other things would also have been wasted. The proposal to amend rule 75(2) of the Aircraft Rules, came to the Government, as I said previously, in the last week of August. Three months provision would have meant that the amendment would be completed some time in December. That means we would have been late by another three months, whereas we would have had the enquiry practically in a very short time.

D. SHANTI G. PATEL: Mr. Minister, you took two months...

SHRI JAGDISH TYTLER: I would like to assure you that the Government will not do away with the provision of publication in all cases. This will be done only in exceptional cases, and that too after the reasons for doing so are recorded in writing.

I would like to mention about the Tokyo blast which the hon. Member has mentioned. This whole issue of the Tokyo blast as well as the blast of the share of the island is interconnected. It is under investigation. I would like to say nothing on this subject.

One of our Members asked about the compensation which was to be paid to the Kaniskha victims. There were total 307 persons. We have received 88 applications. We have cleared 32. The amount which has been paid by 4.12.85 is Rs. 1,29,00,000. The remaining 56 applicants are being processed. Out of the Total crew of 22, we have received applications for all the 22 per-

[Shri Jagdish Tytler]

sons. We have cleared 16 cases. Money is being paid. Six are being processed. We have paid an amount of Rs. 65,08,000.

You will be wondering, when there are 341 persons, why we have received only 88 applications. Out of these, I think, there are 96 Indians who were having Indian passports. About the rest of the persons, I think there are some litigations going on in the Canadian courts, and they are waiting for judgement from their courts before they can file here.

Some of the Members have mentioned about the working of the Air India. Yes, one very important thing, Mr. Mohanan brought, about a gentleman who travelled without valid papers. This is a serious thing, and I will investigate into it. I will surely take action. Rather every time I take action, I come in for criticism that the Minister is too strong on it. You all want me to take action. What I am saying is that the press should take note that I am only doing this because ultimately security and good service to the people, we should be able to give. This is a very serious matter, and I would take it very seriously, how this happened, because it could endanger many peoples' lives.

About the working of the Air India in foreign countries, I am already looking into it. This was brought to my notice. People have been there for many, many years, ten years, and are not wanting to come back. I have already issued instructions that anybody who has been posted outside, for whatever years he has been posted, should be brought back home. Let a chance be given to other people to go on these postings.

About security, one of the Members mentioned that when some people, Cabinet Ministers and others, go, many officers go in uniform. Every person who goes to the airport is security-cleared by the Airport Authority, and they are all given pases and identification cards. That means, only people who are working in the airports are allowed. After I have come, I have become more strict. I am allowing only cars of President, Vice-President, Prime Minister, Speaker and the Chief Justice of India to go, and nobody else; no Cabinet Minister, no Secretary, nobody, except the dignitaries. They all should go like the rest of the people. We are going through a proper procedure of security. I am also very concerned about the security, and that is why these measures have been taken.

DR. SHANTI G. PATEL: Mr. Minister, what I submitted was not about persons going with the Prime Minister.

SHRI JAGDISH TYTLER: I know. Ministers, you said.

DR. SHANTI G. PATEL: Military officers, and so many of them.

SHRI JAGDISH TYTLER: As I said, anybody who goes into the airport premises is cleared by the Airport Authority, and they have identification cards.

DR. SHANTI G. PATEL: I saw an incident only five days back. No person with any of this identification card was there.. He was in mufti, accompanied by one of his officers or the like in navy uniform.

SHRI JAGDISH TYTLER: Anyway, I will check up this and we will be more strict on this entry aspect. I can assure on that point.

Madam, we are getting all the necessary cooperation from Canada and Ireland autrorities as far as Kanishka enquiry is concerned.

As far as smuggling cases are concerned, our Minister who is here, has already taken some precautions and their Department is very cautious. We would also see to it that if ever a little suspicion comes to our knowledge, we will inform the Department concerned

and a full action would be taken, I mean it is being taken. But we will be more cautious on this aspect.

I think I have covered most of the points.

DR. SHANTI G. PATEL: What about trolleys?

SHRI JAGDISH TYTLER: I will come to that. Before that I would like to mention about bird hits. Madam, no doubt, bird hits are a big menace to the aircrafts. Now, a high level Cabinet Committee has taken some other decisions and these are in various stages of implementation.

Madam, regarding trolleys, well, the new airports in Bombay and Delhi which are going to be ready within few months we will provide. As far as Bombay airport is concerned, which is going to be ready in the month of February, we have already made arrangements to give more trolleys. As the hon. Member has mentioned the wheels of the trolleys get frozen. Whether we turn one side or the other side, it all depends upon the weight on the trolley and the push you give to it. That is the way the wheels turn.

DR. SHANTI G. PATEL: The wheels are not functioning properly.

SHRI JAGDISH TYTLER: Madam, I think, I have covered most of the points. Thank you.

SHRI VISHWA BANDHU GUPTA (Delhi): Madam, only one clarification. This is a 1934 Aircraft Act and it needs substantial amendments and review as there are many anomalies like this which has come before us. Therefore, I would like to know from the Minister, whether he would consider a review.

SHRI JAGDISH TYTLER: I will consider it.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): The question is:

"That the Bill further to amend the Aircraft Act, 1934, as passed by the Lok Sabha, be taken into consideration."

..The motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2and 3 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI JAGDISH TYTLER: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): The House now stands adjourned for lunch till 2.30 P.M.

The House then adjourned for lunch at fourteen minutes past one of the clock.

The House reassembled after lunch at thirty-two minutes past two of the clock. The **Vice-Chairman (Shri M. P. Kaushik)** in the Chair.

THE CONSTITUTION (AMENDMENT) BILL, 1985

THE VICE-CHAIRMAN (SHRI M.P. KAUSHIK): Dr. Bapu Kaldate.

DR. BAPU KALDATE (Maharashtra): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India (to amend Article 311).

The question was put and the motion was adopted.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1983 (*to amend section 2, 66, etc.*)

DR. BAPU KALDATE (Maharashtra): Sir, I introduce the Bill.